

REMARKS

The present amendment adds new claims 43-45. These claims merely replace claims that were cancelled unilaterally by the Examiner in an Examiner's Amendment included in the Notice of Allowance of 11 December 2002. In particular, claim 43 replaces prior claim 10 and claims 44 and 45 replace prior claims 41 and 42, respectively.

In canceling claim 10, the Examiner's Amendment stated that "Claim 10 belongs to Invention Group 'b', Embodiment of Figures 10A-D and 11 non-elected without traverse. Accordingly, claim 10 has been cancelled." Claim 10 depended from claim 1 and inherently included all of the limitations of claim 1. Claim 1, therefore, was a linking claim (MPEP § 809.03). The MPEP states that

should any linking claim be allowed, the restriction requirement must be withdrawn. Any claim(s) directed to the non-elected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability.

Claim 10, therefore, should have been rejoined and examined for patentability instead of canceled. Accordingly, the undersigned respectfully submits that claim 43 is properly included in the application.

The Examiner also canceled claims 41 and 42 in the Examiner's Amendment, stating:

Newly submitted claims 41 and 42 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 41 and 42 recites: "releasably attaching a back surface of a microelectronic device to a surface of a support; thereafter, releasably attaching a lead frame to the support, the lead frame having a thickness and having an opening passing through the thickness" wherein the limitation "thereafter" is distinct from the elected invention.

As the undersigned understands it, the Examiner is requiring restriction between the invention of claims 41 and 42 and the presently elected invention simply because claims 41 and 42 include the term "thereafter."

MPEP § 808 states that "Every requirement to restrict has two aspects, (1) the reasons (as distinguished from the mere statement of conclusion) why the inventions as claimed are either independent or distinct, and (2) the reasons for insisting upon restriction therebetween as set forth in the following sections." The importance of the first of these requirements is borne out in MPEP § 816 - "The particular reasons relied upon by the examiner for holding that the inventions as claimed are either independent or distinct should be concisely stated. The mere statement of conclusion is inadequate. The reasons upon which the conclusion is based should be given."

In explaining the reason for canceling claims 41 and 42, the Examiner provides neither any reasons why "the inventions" are either independent or distinct nor any reasons for insisting upon restriction, even if they were independent or distinct. Instead, the Examiner simply sets forth a "mere statement of conclusion." Applicant respectfully submits this is inadequate under the Office's own rules and requests that the Examiner explain the reason for requiring restriction with respect to former claims 41 and 42, now re-presented as claims 44 and 45.

Claims 1-9, 11-23, 32-35, 39, and 40 were all allowed in the Notice of Allowance mailed 11 December 2002. Claim 43 depends from claim 1 and is believed to be allowable and properly rejoined by virtue of its dependence from an allowable base claim. Claims 44 and 45 are also believed to be patentable. Accordingly, all of the claims pending in the application are believed to be in condition for allowance and the undersigned respectfully requests a prompt Notice of Allowance in this case. If the

Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 264-3848.

Respectfully submitted,
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